

### **REMARKS**

Claims 1 - 24 are pending in the application. Claims 19-22 are withdrawn from consideration due to a restriction requirement. Claims 1, 5, 11, 14, 15, 17, 23 and 24 stand rejected, and claims 2-4, 6-10, 12, 13, 16 and 18 stand objected to. By virtue of this response, claims 1, 3, 4, 23, and 24 are amended, and claim 2 is cancelled. Accordingly, claims 1, 3-18, 23, and 24 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

#### **I. Restriction Requirement**

Applicants hereby affirm the election to prosecute the invention of Group 1, including claims 1-18 and 23-24 as stated in the Office Action on pages 2-3, and acknowledge the withdrawal of claims 19-22 from consideration.

Applicants expressly reserve the right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

#### **II. Claim Objections**

Claims 23 and 24 stand objected to because of several informalities detailed on page 3 of the Office Action. The Examiner is thanked for bringing the informalities to Applicant's attention. Appropriate corrections have been made in response to the objections. No new matter has been added to the claims.

#### **III. Allowable Subject Matter**

The Office has indicated that claims 2-4, 6-10, 12, 13, 16, and 18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended claim 1 to include features of claim 2 and further corrected the claim dependency of claims 3 and 4 to depend from claim 1. Claims 3-18 now depend from claim

1. Accordingly, Applicants submit that claims 1 and 3-18 are now in condition for immediate allowance.

#### **IV. Claim Rejections under 35 USC § 103**

Claims 1, 5, 11, 14-15, 17 and 23-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hibino et al. (US 6,229,938 B1).

As indicated above, claim 1 has been amended to include features of claim 2, which is indicated as allowable in the Office Action. Accordingly, the rejection should be withdrawn with respect to claims 1, 5, 11, 14-15, and 17.

Claims 23 and 24 have been amended to include features similar to claim 2. In particular, claim 23 has been amended to recite “wherein said gap of each of said proximal waveguides varies between said plurality of proximal waveguides.” This feature is not disclosed or suggested by Hibino, nor is it alleged to.

Claim 24 has been amend to recite “wherein said means for controlling insertion loss varies between said distal and/or proximal waveguides.” This feature is not disclosed or suggested by Hibino, nor is it alleged to.

Accordingly, Applicants request withdrawal of the rejection and allowance of claims 23 and 24.


CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 373722001200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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